

Appn. Number 10/622,289 (McPheeters et al.) Art Unit 1615 Amendment

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REMARKS

Claims 16-18 are rejected under 35 U.S.C 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. As above to render moot the rejection to the claims, regarding claims 16-18, applicants respectfully submit that the specifications have been amended to meet written requirements in such a way as to contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and has set forth the best mode contemplated by the inventor of carrying out the invention.

As requested in the Office Action dated 09/28/2007 the applicants respectfully amended the claims to remove the following limitation:

- "...homogeneous..." (claim 16)

In regards to all references of "...a thick, dry, layer of such a quantity as to correspond substantially to an amount greater than one precise dose..." made in claims 16-18, the applicants respectfully request the examiner to reconsider the terminology used. The applicant's use of wording is not intended to enter new matter but rather to clarify, as requested by the examiner in his office action dated 2 May 2006, the wording "...an effective amount of styptic solution...". It is believed by the applicant that constantly they have demonstrated through their descriptions and drawings of the invention that the intent for this invention has always been to have an applicator where the end or ends contain a small yet thick amount of styptic in a dry layer. In support of this, it is requested that the examiner review the enclosed copy of the original disclosure document dated 27 October 2000 where the applicant's description compares the proposed invention to "...a wooden match stick. The tip is covered with a small amount of styptic instead of the match head..."

Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Al Ani (U.S. Patent No. 3,948,265). Applicants respectfully traverse in view of the above mentioned amendments.

Applicants are claiming an applicator for the application of styptic which is intended to have a bi-functional purpose. First by applying styptic to body tissue where skin abrasions are present a person can stop active bleeding. Secondly by providing on a portion of the surface of at least one end of the stem with styptic in a thick, dry, layer of such a quantity as to correspond substantially to an amount greater than one precise dose a person can make use of the inherently porous qualities of styptic to absorb small amounts of blood present on the body from the result of a skin abrasion.

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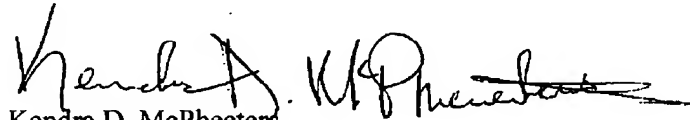
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Al Ani discloses "An applicator for application of active substances which have therapeutic and diagnostic properties onto body tissues comprising an elongated carrier provided on a portion of the surface of at least one end of said carrier with said active substance in a very thin, homogeneous, dry, liquid soluble layer of such a quantity as to correspond substantially to one precise dose for one specific occasion of use, said surface of said carrier which is provided with the active substance being non-liquid-absorbing." In order for a claim to be anticipated it must have each and every element as set forth in the claim, either expressly or inherently described, in a single prior art reference. Applicants submit that there is no additional element disclosed in the applicator either expressly or inherently. Furthermore the applicants believe that they should not be anticipated by Al Ani because it would not have been obvious at the time of his invention to invent an applicator with the same bi-functionality that we are proposing. Al Ani specifically states the intent for his invention is to have "...a rather accurate dose..." as well as "...an applicator which may carry as little of the active substance as to equal one dose..."

Based on all of the foregoing, applicants respectfully submit that claims 16-18 are patentable and earnestly request a notice of allowance to that affect.

Applicants respectfully submit that this is a complete response to the Office Action and that all pending claims are patentable. Accordingly, applicants respectfully request a notice of allowance to that affect.


Respectfully submitted,



Kendra D. McPheeters



Phillip A. Cornwell



Charles M. Cornwell

APPLICANTS INTERVIEW SUMMARY

The applicants respectfully request a review of this complete and proper recordation of the telephone interview conducted on 30 November 2007 between examiners Hasan S. Ahmed and Humera N. Sheikh and applicants Kendra D. MCPheeters and Charles M. Cornwell. This summary includes the following:

- (A) A brief description of the nature of any exhibit shown or any demonstration conducted;
- (B) Identification of the claims discussed;
- (C) Identification of specific prior art discussed;
- (D) Identification of the principal proposed amendments of a substantive nature discussed;
- (E) The general thrust of the principal arguments;
- (F) A general indication of any other pertinent matters discussed; and
- (G) If appropriate, the general results or outcome of the interview.

SUMMARY

- (A) No exhibit shown or demonstration conducted.
- (B) Claim(s) discussed: 16
- (C) Identification of prior art discussed: U.S. 3,948,265 (Al Ani).
- (D) The examiner did not propose any amendments.
- (E) The general thrust of the principal arguments began after introductions were made. Examiner Hasan S. Ahmed asked the applicants Kendra D. MCPheeters and Charles M. Cornwell what they wanted to discuss. The applicants requested clarification as to why their submitted claims were being rejected. Examiner Ahmed informed the applicants that the wording used in claim 16 was considered by him to be new matter. The applicants attempted to explain that the wording used was not new matter it was only written as a more clarified claim as requested by the examiner in a previous office action. Examiner Ahmed agreed that he had requested clarification in the prior office

action but that it was kind of a "catch 22". He further stated that he didn't feel the applicants stayed within the bounds of their original specification. The applicants attempted to explain that they had not added new matter in the wording of their application but only further defined what they had previously shown in submitted documentation including applications, drawings and a disclosure document. Examiner Ahmed continued to disagree with the applicants although he did admit that he did not have a copy of the disclosure document the applicants referenced. After a time of disagreement over the topic of claim 16, examiner Ahmed stated that even if he were to allow the claims that the applicants would still be anticipated by U.S. 3,948,265 (Al Ani). At this point the topic of discussion shifted from the claims to the issue of anticipation. According to examiner Ahmed the application in question does not overcome the prior art U.S. 3,948,265 (Al Ani). The applicants attempted to explain that the prior art was very specific about what their invention was and what its proposed use is for. The applicants further explained that they had extensively reviewed the prior art and it was their belief that after reviewing the prior art it is clearly shown that they are different inventions with different purposes and therefore no anticipation should be shown. The applicant further tried to explain the differences to the examiners by giving the following examples:

1. U.S. 3,948,265 (Al Ani) specifically states that the substance in question applied to the end or ends of the stem be incapable of absorbing liquid. Where in contrast the applicants proposed invention specifically states a substance (Styptic) applied to the end or ends of a stem in an amount great enough to absorb liquid (blood). This improvement allows for a new bi-functional applicator that can stop bleeding from minor cuts and absorb blood present on the wound being treated.
2. U.S. 3,948,265 (Al Ani) further details his invention by saying the substance applied to the end or ends of his stem should allow all the substance applied thereto to be dissolved by the moisture of a moist body tissue. The applicants detail their invention by saying the substance applied to the end or ends of the stem should be in an amount greater than one precise dose thus allowing for the undissolved substance (Styptic) to absorb blood present on the wound being treated. Again this demonstrates a new bi-functional use not addressed in the prior art.
3. U.S. 3,948,265 (Al Ani) discloses an applicator with a "...very thin..." layer of active substance applied to the end or ends of a stem. The applicants disclosed an applicator with a thick layer of substance (Styptic) applied to the end or ends of a stem.

4. The applicants asked the examiner to compare submitted drawing with those presented in U.S. 3,948,265 (Al Ani) as to show the physical differences.

After the shown examples were mentioned to the examiner he stated simply that the applicants are proposing an applicator with styptic applied to the end(s) that can be disposable and that he felt for that reason that it is anticipated by the prior art. Examiner Ahmed did not explain how he came to this conclusion any further nor did he explain how the examples shown didn't argue over the prior art other than by saying it was his feeling that the applicants invention was not patentable. The applicants attempted to understand more clearly the definition of what is patentable. The applicants believed an invention was patentable if a person invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, so long as it meets the conditions and requirements. Again without explanation examiner Ahmed simply stated his belief that the application didn't demonstrate a new and useful improvement.

The applicants continued to disagree with the examiners over the topics discussed until Primary Examiner Humera N. Sheikh voiced her opinion that there was nothing more to discuss at this time. The applicants did ask the examiner to write one claim for them since it was their belief that legally the examiner is required to do so if requested by the applicants so long as the application was not in a final office action, which at the time of the interview it was not. Examiner Ahmed stated that he would be unable to write a claim on the applicant's behalf because he didn't feel the invention was patentable. The applicants then confirmed again that Examiner Ahmed refused the request to write a claim. Examiner Ahmed again stated he was refusing to do so.

At this time the applicants were told again that there was nothing more to discuss and at that time the meeting ended.

- (F) It is the feeling of the applicants that the pertinent matters discussed were the wording used in claim 16 and the issue of anticipation in regards to U.S. 3,948,265 (Al Ani). Other pertinent matters included the definition of what a utility patent is and what is considered patentable.
- (G) It is the feeling of the applicants that the general outcome of the interview was unaccommodating. We felt our examiner was unwilling to give constructive feed back and frustrating. Examiner Hasan S. Ahmed provided nothing more than simple answers that did not explain his reasons for rejection making it difficult for the applicants to move forward with a response. Primary examiner Humera N.

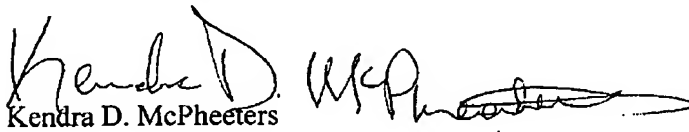
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Sheikh was not active in most of the interview and said little more than introductions and closing the interview after she felt there was no more to discuss.

Applicants respectfully submit that this is the applicants complete response to the telephone interview conducted on 30 November 2007 between examiners Hasan S. Ahmed and Humera N. Sheikh and applicants Kendra D. MCPheeters and Charles M. Cornwell.

Respectfully submitted,


Kendra D. MCPheeters


Phillip A. Cornwell


Charles M. Cornwell